

Chapter 1

The Basics of Workers' Compensation

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What is workers' compensation?

If you get hurt on the job, your employer is required by law to pay for workers' compensation benefits. You could get hurt by:

- **One event at work.** Examples: hurting your back in a fall, getting burned by a chemical that splashes on your skin, getting hurt in a car accident while making deliveries.
—or—
- **Repeated exposures at work.** Examples: hurting your hand, back, or other part of the body from doing the same motion over and over, losing your hearing because of constant loud noise.

Workers' compensation covers some, but not all, stress-related (psychological) injuries caused by your job. Also, workers' compensation may not cover an injury that is reported to the employer after the worker is told he or she will be terminated or laid off. For information about what is covered, use the resources in Chapter 9, "For More Information and Help."

What are the benefits?

They can include:

Medical Care. Paid for by your employer, to help you recover from an injury or illness caused by work.

Temporary Disability Benefits. Payments if you lose wages because your injury prevents you from doing your usual job while recovering.

Permanent Disability Benefits. Payments if you don't recover completely.

Supplemental Job Displacement Benefit. If you were injured in 2004 or later, a voucher to help pay for retraining or skill enhancement if you don't recover completely, your employer doesn't offer you work, and you don't return to work for your employer.

Death Benefits. Payments to your spouse, children, or other dependents if you die from a job injury or illness.

For examples of workers' compensation payments, see page 11.

Can my regular doctor treat me if I get hurt on the job?

It depends on whether you tell your employer in *writing* — *before* you are injured — the name and address of your personal physician or a medical group. This is called “predesignating.” If you predesignate, you may see your personal physician or the medical group right after you are injured.

Can all workers predesignate?

No. You can predesignate only if, on your date of injury, you have health care coverage for medical conditions that are unrelated to work. If you do not have this coverage, you do not have a right to predesignate.

HOW TO PREDESIGNATE

To predesignate your personal physician (if you are eligible to do so), you must notify your employer in writing. You may prepare your own written statement, use optional DWC Form 9783 provided by the state Division of Workers' Compensation, or use a form provided by your employer. To download DWC Form 9783, go to: www.dwc.ca.gov (link to Forms). **Note:** If your employer or the insurer has a contract with a health care organization (HCO), you must use a different form, discussed on the next page.

Make sure to include the following information:

1. Name of your employer
2. A statement that if you are hurt on the job, you designate your personal physician to provide medical care. Give the name, address, and phone number.
3. Your name
4. Your signature
5. Date

You can predesignate a doctor of medicine (MD) or doctor of osteopathy (DO) who treated you in the past and has your medical records. The doctor must be a general practitioner, internist, pediatrician, obstetrician-gynecologist, or family practitioner who is your primary care physician. You cannot predesignate your personal chiropractor or acupuncturist, but if you give your employer the name of your personal chiropractor or acupuncturist in writing before you are injured, you may switch to this chiropractor or acupuncturist upon request, after you first see a doctor chosen by a claims administrator (a person who handles workers' compensation claims for your employer).

You may also predesignate a medical group if it meets the following criteria:

- Is composed of licensed doctors of medicine (MD) or doctors of osteopathy (DO)
- Offers and coordinates both primary care and care in other medical specialties
- Mostly treats medical conditions that are unrelated to work

The individual physician or medical group you predesignate must agree in advance to treat you for any job injuries and illnesses. The agreement must be documented, either by having the physician, an employee of the physician, or an employee of the medical group sign the predesignation form, or by some other form of documentation. Include the documentation when you give your employer the predesignation form or statement.

Are there different rules for predesignating if my employer or the insurer has a contract with a health care organization (HCO)?

Yes. A health care organization (HCO) is an organization certified by the state Division of Workers' Compensation to provide managed medical care to injured workers. If your employer or the insurer has a contract with an HCO, the employer or insurer must give you DWC Form 1194 within 30 days after your date of hire and at least once a year. You can use this form to predesignate your personal physician, personal chiropractor, or personal acupuncturist. You are not required to show that your doctor agreed to be predesignated. If you do not predesignate each time you are given this form, your employer will enroll you in the HCO and you will be treated in the HCO for job-related injuries.

What should I do if I get hurt at work or develop a work-related medical problem?

- **Report the injury or illness to your employer.** Make sure your supervisor or someone else in management knows as soon as possible. If your injury or illness developed gradually (like tendinitis or hearing loss), report it as soon as you learn or believe it was caused by your job. Reporting promptly helps avoid problems and delays in receiving benefits, including medical care. If your employer does not learn about your injury within 30 days, you could lose your right to receive workers' compensation benefits.
- **Get emergency treatment if needed.** If it's an emergency, call 911 or go to an emergency room right away. Your employer must make sure that you have access to emergency treatment right away, and may tell you where to go for treatment. Tell the medical staff that your injury or illness is job-related.

For more steps to take, see Chapter 2.

How can I avoid getting hurt on the job?

It's best to *prevent* injuries before they happen. Employers in California are required to have an Injury and Illness Prevention Program. The program must include worker training, workplace inspections, and procedures for correcting unsafe conditions promptly. Learn about and participate in your employer's program. Report unsafe conditions to your employer and union, if you have one. If they don't respond, call Cal/OSHA, the state agency that enforces health and safety laws.

DID YOU KNOW?

- Medical care must be paid for by your employer if you get hurt on the job – whether or not you miss time from work.
- You may be eligible to receive benefits even if you are a temporary or part-time worker.
- You may be covered by workers' compensation as an employee even if you are called an "independent contractor."
- You don't have to be a legal resident of the United States to receive most workers' compensation benefits.
- You receive benefits no matter who was at fault for your job injury.
- You can't sue your employer for a job injury (in most cases).
- It's illegal for your employer to punish or fire you for having a job injury or for requesting workers' compensation benefits when you believe your injury was caused by your job.

Workers' Compensation Benefits — Examples

Temporary Total Disability Benefits

Date of Injury	Minimum Payments	Maximum Payments
2008	\$137.45 per week	\$916.33 per week
2009	\$137.45 per week	\$958.01 per week
2010	\$148.00 per week	\$986.69 per week
2011	\$148.00 per week	\$986.69 per week
2012	\$151.57 per week	\$1,010.50 per week
2013	\$160.00 per week	\$1,066.72 per week

Permanent Disability Benefits – Examples

The following are only examples. They apply to workers who earned more than \$435 per week before injury, and whose employer has fewer than 50 employees. The examples are not adjusted for age, occupation, or other factors causing disability (“apportionment”).

Disability	Injury in 2005-12	Injury in 2013	Injury in 2014
Total loss of vision in one eye, normal vision in other eye	\$19,665.00 (total)	\$27,312.50 (total)	\$34,437.50 (total)
Amputation of index finger at middle joint	\$6,210.00 (total)	\$7,877.50 (total)	\$9,932.50 (total)

Supplemental Job Displacement Benefits

Date of Injury	Maximum Benefit
2004 through 2012	\$4,000 to \$10,000, depending on permanent disability rating
2013 or later	\$6,000

Death -- Examples involving three or more total dependents

The following are only examples. Benefits are also available if there are fewer than three total dependents, or if there are partial dependents.

Burial expenses:

 Date of injury before 2013: up to \$5,000

 Date of injury 2013 or later: \$10,000

Death benefits if there are three or more total dependents:

 Date of injury 2006 or later: \$320,000 (total)

(Regardless of the amounts listed above, death benefits paid to a totally dependent child continue until the child reaches age 18. If the child is physically or mentally incapacitated, benefits continue until the child's death.)